



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,281	06/26/2001	Daniel Tejjido	064750.0438	2149

45507 7590 10/18/2005

BAKER BOTTS LLP
2001 ROSS AVENUE
6TH FLOOR
DALLAS, TX 75201

EXAMINER

DERWICH, KRISTIN M

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,281	Applicant(s) TEIJIDO ET AL.	
	Examiner Kristin Derwich	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

2

DETAILED ACTION

1. Claims 1-11 and 13-21 are pending. Claim 12 has been cancelled.

Claim Rejections - 35 USC § 112

2. In response to amendment and/or arguments as to the indefiniteness of claims, the rejections under 35 U.S.C. 112, second paragraph to claims 12-16 are withdrawn.

Response to Amendment

3. Applicant's amendments to the claims necessitated a new search which revealed prior art and new grounds for rejection presented in this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Hereafter patent literature that is referenced as prior art will be cited by column and line number in the form of (column number:line number range). For example, the citation (6:23-27) refers to lines 23-27 of the 6th column in the reference.

Art Unit: 2132

4. Claims 11 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. (Howell), U.S. Patent No. 5,276,901 in view of Bacha et al, (Bacha), U.S. Patent No. 6,950,943.

As per claims 11 and 15:

Howell substantially teaches a method comprising:

authenticating a user of the knowledge base (6:6-10);

determine the clearance level of a requested secure document (6:16-19);

determine the clearance level of the authenticated user (6:19-23);

comparing the clearance level of the requested document with the clearance level of the authenticated user (6:19-23);

and displaying the secure document to the authenticated user (6:23-26).

Howell fails to teach a method utilizing document and user caveats wherein the caveats are necessary conditions that must be met for access to a document.

However, Bacha discloses a method wherein an Access Control List (ACL) and a capability control list are utilized in protecting documents. These function as obtaining a document caveat and a user caveat since a user must be on the ACL in order to gain access to the document and a document must be on a user's capability list in order to have access to the document (7:57-8:14).

It would have been an obvious modification to one of ordinary skill in the art at the time of applicant's invention to utilize both an ACL and a capability control list because this would increase the security for the documents and help to avoid problems

Art Unit: 2132

such as where a user is mistakenly granted explicit access without possessing the required clearance level as stated in Howell, 7:20-25.

5. Claims 13, 14 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Howell, (5,276,901) in view of Bacha (6,950,943) as applied to claims 11 and 15 above and further in view of Erickson, U.S. Patent No. 5,765,152.

As per claim 13:

Howell and Bacha fail to teach a method further comprising encrypting and signing the authenticated user. However, Erickson discloses a method wherein the user must have a digital signature (21:34-37).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to require the user to present a digital signature because this would add an extra layer of security and prevent someone from stealing the actual user's identity.

As per claim 14:

Howell and Bacha fail to teach a method wherein authenticating a user comprises a certificate authority program running on a server. However, Erickson discloses a method wherein a user's digital signature, signed by a certification authority, is used to authenticate the user (21:40-45).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a certification authority when authenticating a user because the unique code the authority uses becomes apparent before anything is encrypted to the key which can only be signed by the individual using the matching key (21:45-48).

Therefore, the certification authority acts as a trusted third party wherein when it verifies something, both sides can be sure that it is authentic.

As per claim 16:

Howell and Bacha fail to teach a method further comprising multiple authentication of a user. However, Erickson discloses a method comprising multiple authentication of a user prior to comparing the clearance level of the requested document with the clearance level of the authenticated user (24:4551).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to require the user to go through multiple authentication in order to ensure the user's identity and prevent identity theft.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2132

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KMD

Kristin Derwich
Examiner
Art Unit 2132


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100